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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	ATTORNEY DOCKET NO. CONFIRMATION NO. PHLY-24,913 4127	
09/494,924	02/01/2000	Jeffry Jovan Philyaw	PHLY-24,913		
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	& ARNOTT, L.L.P	EXAMINER			
P.O. BOX 74 DALLAS, T	X 75374-1715	FISCHETTI, JOSEPH A			
			ART UNIT	PAPER NUMBER	
			3627		
			DATE MAILED: 06/13/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application No. (0)494,924 PHILYAW ET AL Examiner Joseph A. Fischetti Joseph Jose						4701				
## Disable Examiner Joseph A. Fischetti 3627	4	<u> </u>	Application No	o .	Applicant(s)					
Joseph A. Fischetti 3627 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE Of this Communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than thirty (80) easy, a reply which he statutory period will apply and will apply (MIANTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (80) easy, a reply which he statutory period will apply will will have been strength of the statutory period will apply and will easy 810 (MIANTHS from the statutory period will apply and will easy 810 (MIANTHS from the sale) called the statutory period will apply and will easy 810 (MIANTHS from the sale) called the statutory period will apply and will easy 810 (MIANTHS from the sale) called the statutory period will apply and will easy 810 (MIANTHS from the sale) called the sale of this communication. If the period for reply specified above is less than thirty (80) easy, and the sale of this communication. Find period for reply specified and the sale is sale and the sale sale and the sale sale and the sale and the sale sale and the sale sale and the		·•	09/494,924		PHILYAW ET AL.					
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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et

al.

Hudetz et al. disclose providing an input device 120 at the first location on the global communication network having associated therewith a unique input device ID (the address of every computer is notoriously well know to be transmitted by a PC to a server); notwithstanding, since applicant admits that the computer 28 does indeed have its own address then, because the computer also has an input device 44, then the computer is read as an input device having an input ID.

scanning a product code disposed on a product with the input device (col. 11, lines 31-32), which product code is representative of the product in commercial transactions, the step of scanning operable to extract the information contained in the product code to provide a unique value as an output (numeric address encoded in bar code);

associating the unique value with the unique input device ID; and in response to the step of scanning and the step of associating, connecting the first location to the second location. (Hudetz et al. Discloses in col. 11 lines 4-10 that once the unique value i.e. the numeric address encoded in the bar code is extracted, it is associated by the service provider with the first location computer.)

Re claims 23,24, 25,27: Hudetz et al disclose in response to the step of scanning and the step of associating, accessing a database having stored therein a plurality of unique values for a plurality of products, each associated with routing information over the global communication network to one of the plurality of second locations

(see database, 60 all records having UPC fields - col. 8, lines 47-67, and col.9 lines 1-5); whether the URL is loaded as a function of user intervention or not is still readable on claim 23 as there is no claim limitation stating otherwise.

comparing the output unique value with the stored unique values in the database; and if a match exists between the output unique value and any of the

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stored unique values: (Official notice is taken with respect to the old and notorious use of comparing two values in a binary system to determine if a match exits);

retrieving from the database the associated routing information to the second location, and connecting the first location with the second location on the global communication network in accordance with the retrieved routing information.- (Hudetz et al. Discloses in col. 11 lines 4-10 that once the unique value i.e. the numeric address encoded in the bar code is extracted, it is associated by the service provider with the first location computer.)

Re claim26: accessing a remote location on the global communication network at an intermediate node thereon; forwarding the unique value and unique device ID to the intermediate node; (see col. 11 lines 6-7, remote server 128 is an intermediate node);

wherein the database is disposed at the intermediate node; retrieving the associated routing information from the database in the event of a positive mach and forwarding the retrieved routing information back to the first location and connecting the first location to the second location in accordance with the retrieved information. (Where the database is located is not considered to be of any patentable weight given that the speed of the internet and the ability of data to travel on it at great speeds regardless of location makes this limitation obvious.) Furthermore, official notice is taken with respect to the notoriously well known practice of locating data files remotely. Notwithstanding, col. 7, lines 57-64 suggest that the database 60 be disposed in a number of-locations including one that is intermediately disposed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 22, 24,25, are rejected under 35 U.S.C. 102(e) as being anticipated by Byford. The client ID associated with the bar code scanner is read as being an input device in that at the time it is being used to scan, the client ID inputted to it clothes the scanner with an identity of a unique input ID associated with it. Whether information is extracted directly from markings in a code or the code is used as a look up indicator is deemed a mere separation of steps which can be otherwise combined. The step of connecting is read as the communication through the internet between the pick up location and the point of inquiry. Re claims 26,27 the term "intermediate" is deemed relative to a given point of reference. The purpose of a system is an intended use argument and is given little weight.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

Remarkable of the communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

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